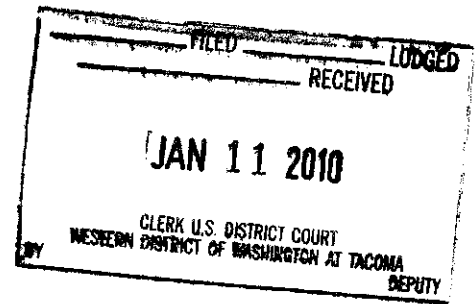


MAGISTRATE JUDGE



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS JAMESDOUGLAS

Defendant/Petitioner.

NO. CR 09-5570

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
TREATMENT PLAN, AND DIRECTING
DEFENDANT TO TAKE TREATMENT
AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 11th day of January, 2010 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her/his attorney, Erik L. Bauer; the United States of America being represented by Captain Paul Robson, Special Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Social Treatment Opportunity Programs, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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1 **I. FINDINGS OF FACT**

2 A. On or about the 25th day of May, 2009+ , Petitioner was charged with the
3 offense/offenses charged in the Information. This offense occurred as a direct result of
4 alcoholism/chemical dependency problems;

5 B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

6 C. The probability of similar misconduct in the future is great if the problem is not
7 treated;

8 D. Petitioner is amenable to treatment;

9 E. An effective rehabilitative treatment plan is available to Petitioner through Pioneer
10 Human Services, an approved treatment facility as designated by the laws of the State of
11 Washington, and Petitioner agrees to be liable for all costs of this treatment program;

12 F. That Petitioner agrees to comply with the terms and conditions of the program
13 offered by the treatment facility as set forth in the diagnostic evaluation from Social Treatment
14 Opportunity Program, attached to Statement of Petitioner filed herewith, and that Petitioner
15 agrees to be liable for all costs of this treatment program;

16 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and
17 sufficiency of the facts as contained in the written police report attached to Statement of
18 Petitioner filed herewith.

19 H. That Petitioner has acknowledged the admissibility of the stipulated facts in any
20 criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of
21 this Order Granting Deferred Prosecution and that these reports will be used to support a finding
22 of guilt;

23 From the foregoing FINDINGS OF FACT, the Court draws the following:

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D. That Petitioner is eligible for deferred prosecution.

C. The treatment facility, Pioneer Human Services, shall file with the United States Probation Office status reports of Petitioner's compliance with treatment, monthly during the first year of the deferred prosecution period and every three (3)

1 months during the second year. The Court may increase the frequency of these reports at its
2 discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

4 E. Petitioner shall abstain during the deferred prosecution period from any and all
5 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

6 F. Petitioner shall not operate a motor vehicle on the public highways without a valid
7 operator's license and proof of liability insurance sufficient to comply with the state laws on
8 financial responsibility;

9 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
10 offenses or other criminal offenses during the period of deferral,

11 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
12 questioned, or cited by Law Enforcement;

13 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
14 condition of her/his treatment plan or violates any provision of this Order or any rule or
15 regulation of her/his probation officer, upon receiving notice, the Court shall hold a hearing to
16 determine why Petitioner should not be removed from deferred prosecution and prosecuted for
17 the offense/offenses charged;

18 J. In the event the Court finds cause to revoke this deferred prosecution, the
19 stipulated police reports shall be admitted into evidence, and Petitioner shall have her guilt or
20 innocence determined by the Court;

21 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed, and
22 all subsequent reports or documents relating to her treatment information shall be sealed, to
23 maintain confidentiality of Petitioner's treatment information;

24 L. That the Department of Licensing be notified of this Order accepting the
25 Petitioner for deferred prosecution;

1 M. Upon proof of Petitioner's successful completion of five years deferral period in
2 this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions: _____
4 _____
5 _____

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7
8 DONE IN OPEN COURT this 11th day of January, ~~2009~~ ²⁰¹⁰.
9

10
11 Karen L. Strubbe
12 UNITED STATES MAGISTRATE JUDGE

13 Presented by:

14 [Signature]
15

16 Attorney for Petitioner

17 I have received a copy of the foregoing Order of Deferred Prosecution. I have read and
18 understand its contents, and agree to abide by the terms and conditions set forth herein.

19
20 Dated: 1/11/10

[Signature]
21 Petitioner

22
23 I certify that a copy of this signed Order was mailed to the subject treatment facility, on
24 Jan 21, 2009. The United States Probation Office was also furnished a copy
of this Order. 2010

25 Ulim Biele
26 Clerk

1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 7, 2010, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the following:
4 Captain Paul Robson, Special Assistant United States Attorney, 1201 Pacific Avenue, Suite 700,
5 Tacoma, WA 98402,
6
7

8 /s/ Erik L. Bauer
9 Attorney for Defendant
10 WSBA# 14937
11 215 Tacoma Avenue South
12 Tacoma, WA 98402
13 Telephone (253) 383-2000
14 Fax (253) 383-0154
15 eriklbauer@yahoo.com
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